

**Notice of Allowability**

Application No.

09/430,043

Examiner

John W Hayes

Applicant(s)

CANDELORE, BRANT L.

Art Unit

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 01 November 2004.
2. ☒ The allowed claim(s) is/are 3-6,9-12,15-20,22 and 24-28.
3. ☒ The drawings filed on 29 October 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

John W Hayes  
Primary Examiner  
Art Unit: 3621

Art Unit: 3621

***Allowable Subject Matter***

1. Claims 3-6, 9-12, 15-20, 22 and 24-28 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent No. 6,069,957 to Richards and U.S. Patent No. 6,351,813 B1 to Mooney et al.

Other U.S. Patent prior art cited in this office action and listed on the enclosed form PTO-892 has been cited as a courtesy to applicant. Examiner has fully considered these references with respect to the claimed invention.

Richards discloses a hierarchical key system in a restricted access television system and further teach a method for copy protection for content wherein a first authorization code is received by a conditional access device, a local key is generated based upon the authorization code and a programmable user key and descrambling the content using the local key.

Mooney et al disclose an access control/crypto system and teach a method for duplicating or transferring a user key from one conditional access device to another so that multiple devices may hold identical copies of the same key and thus access the same device or exchange encrypted files over a network.

As per Claim 3, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest receiving a programmable user key by the CA device wherein the first authorization code received by the CA device is determined to match a second authorization code stored in the CA device. Claims 4, 6 and 19-20 are dependent upon claim 3 and thus have all the limitations of claim 3 and are allowable for that reason.

As per Claim 5, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest permitting receipt of a programmable user key by the first CA device if the authorization code grants a right to transfer the user key to the first CA device wherein the user key is provided by a second conditional access (CA) device having the authorization code. Claim 22 is dependent upon claim 5 and thus has all the limitations of claim 5 and is allowable for that reason

Art Unit: 3621

As per Claim 9, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest a key generator coupled to the descrambler and adapted to receive a programmable user key when a first authorization code provided to the CA device matches a second authorization code stored within the CA device. Claims 10-12 and 24-25 are dependent upon claim 9 and thus have all the limitations of claim 9 and are allowable for that reason.

As per Claim 15, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest a program code of the first CA device to generate the local key based on a programmable user key and an authorization code, the user key and authorization code being received from a separate source having the authorization code, provided the authorization code permits receipt of the user key by the first CA device. Claims 16-18 and 26 are dependent upon claim 15 and thus have all the limitations of claim 15 and are allowable for that reason.

As per Claim 27, the closest prior art of record when taken either individually or in combination with other prior art of record fails to teach or suggest a key generator coupled to the descrambler and adapted to generate the local key based on a programmable user key and an authorization code, the key generator to transfer the programmable user key for utilization by a second CA device when an authorization code stored within the second CA device matches the authorization code. Claim 28 is dependent upon claim 27 and thus has all the limitations of claim 27 and is allowable for that reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3621

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

***Commissioner of Patents and Trademarks***

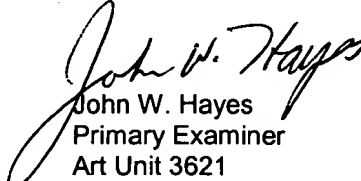
***Washington, D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-5531** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,  
VA, 7<sup>th</sup> floor receptionist.

  
John W. Hayes  
Primary Examiner  
Art Unit 3621

January 6, 2005

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with William W. Schaal on 05 January 2005.

#### The application has been amended as follows:

Claim 3 (Currently Amended) A method to provide copy protection for content, the method comprising:

- receiving a first authorization code by a conditional access (CA) device;
- receiving a programmable user key by the CA device, provided the first authorization code is determined to match a second [authentication] authorization code stored in the CA device;
- generating a local key based on the programmable user key and one of the first and second authorization codes; and
- descrambling the content [delivered by the content provider] using the local key.

Claim 5 (Currently Amended) A method to provide copy protection for content, the method comprising:

- receiving an authorization code by a first conditional access (CA) device;
- permitting receipt of a programmable user key by the first CA device if the authorization code grants a right to transfer the user key to the first CA device, the user key is provided by a second conditional access (CA) device having the authorization code; [and]
- generating a local key based on the user key and the authorization code; and
- descrambling the content delivered to the first CA device using the local key.

Claim 15 (Currently Amended) A computer program product comprising;

- a computer usable medium having computer program code embodied therein to provide copy protection for a scrambled content, the computer program product having:

Art Unit: 3621

a first program code of a first conditional access (CA) device to descramble the scrambled content using a local key;

a second program code of the first CA device to generate the local key based on a programmable user key and an authorization code, the user key and authorization code being received from a separate source having the authorization code, provided that the authorization code permits receipt of the user key by the first CA device; and

a third program code of the first CA device to receive the authorization code.

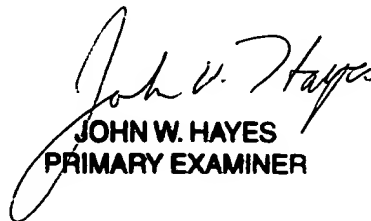
Claim 17 (Currently Amended) The computer program product of Claim 15 wherein the user key is provided by the separate source being a master conditioned access (CA) device having the authorization code.

Claim 27 (Currently Amended) A conditional access (CA) device comprising:

a descrambler to descramble incoming content using a local key;

a key generator coupled to the descrambler and adapted to generate the local key based on a programmable user key and an authorization code, the key generator to transfer the programmable user key [to] for utilization by a second CA device [if] when an authorization code stored within the second CA device matches the authorization code; and

a communication interface coupled to the key generator to receive the authorization code [via a communication channel].

  
JOHN W. HAYES  
PRIMARY EXAMINER